

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH DEAN LIRA,

Defendant.

CR 10–135–BLG–DWM

ORDER

On May 11, 2023, United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations with respect to the disposition of the revocation proceedings stemming from the April 13, 2023 petition for revocation of Defendant Joseph Dean Lira’s supervised release. (Docs. 228, 241.) The petition alleged five violations: (1) the failure to attend mental health treatment on two occasions, (2) use of methamphetamine, (3) consumption of alcohol, (4) prohibited contact with a convicted felon, and (5) interference with a urinalysis test. (*See* Doc. 228.) At a final revocation hearing held on May 11, 2023, Lira admitted to Violation Nos. 1, 2, 3, and 4, and the government moved to dismiss Violation No. 5. (*See* Doc. 240 (Min. Entry).) Based on the admitted violations, Judge Cavan recommends that supervised release be revoked and that this Court sentence Lira to a custodial sentence of time served, representing a downward variance for the

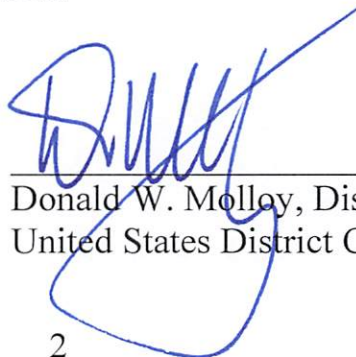
advisory Guideline range of 6-12 months, with 59 months of supervised release to follow. (*See* Doc. 241 at 3.)

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge Cavan's conclusion that Defendant violated the conditions of his release in the manner set forth in the petition, and that Defendant's supervision should be revoked, the Court adopts those findings and recommendations. (*See* Doc. 241.)

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations, (Doc. 241), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant's supervised release is revoked. Judgment will be entered by separate document.

DATED this 30th day of May, 2023.



Donald W. Molloy, District Judge
United States District Court